

RESOLUTION NUMBER R- 298344

ADOPTED ON SEP 02 2003

A RESOLUTION APPROVING PLANS AND SPECIFICATIONS; AUTHORIZING ESTABLISHMENT OF PHASE FUNDING AND AWARD OF PUBLIC WORKS CONTRACT; AND TAKING RELATED ACTIONS.

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the plans and specifications for the construction of Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway [Project], filed in the office of the City Clerk as Document No. W. 10. 526760, are approved.
2. That, after advertising for bids in accordance with law, the City Manager is authorized to establish contract funding phases and to award the Project contract to the lowest responsible and reliable bidder in an amount not to exceed \$5,500,000.00, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure under established contract funding phases are, or will be, on deposit with the City Treasurer.
3. That the City Auditor and Comptroller is authorized to transfer an amount not to exceed \$1,089,620.00 from CIP 29-292.0, Hage (Westview) Neighborhood Park, Fund 79006, and an amount not to exceed \$1,179,480.00 from CIP 29-727.0, Winterwood Lane (S. Crista McAuliffe) Community Park-Phase II, Fund 79006, to CIP 52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, and to appropriate the funds for the Project.
4. That the expenditure of an amount not to exceed \$11,277,898.96 from CIP 52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, is authorized, solely and

exclusively, for the purpose of providing funds for the Project [including design, construction, and property acquisition] and related costs, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer as follows: Phase I funding in an amount not to exceed \$9,027,900.00 from CIP 52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, including \$8,661,900.00 from Fund 79006 and \$366,000.00 from Fund 63022; and Phase II funding in an amount not to exceed \$2,249,998.96 available in Fiscal Year 2005 from Fund 79006.

5. That the City Manager is directed to process amendments to the Mira Mesa Public Facilities Financing Plan in Fiscal Year 2004 or at the earliest possible time thereafter for the construction of CIP 52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, which will add \$2,249,998.96 in Fiscal Year 2005.

6. That the expenditure of an amount not to exceed \$1,000,000 from CIP 52-676.0, Mira Sorrento Place - Scranton Road to Vista Sorrento Parkway, Fund 79006, Facilities Benefit Assessment [FBA], is authorized, solely and exclusively, for the acquisition of property rights, labor, title, escrow, and miscellaneous costs as required for the Project.

7. That the City Manager is authorized to execute, for and on behalf of the City, a construction agreement with San Diego Gas & Electric Company for the relocation of its utilities which conflict with the Project, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds for the agreement are, or will be, on deposit with the City.

8. That the City Manager is authorized to execute, for and on behalf of the City, a construction agreement with SFPP / Kinder Morgan for the relocation of its utilities which conflict with the Project, provided that the City Auditor and Comptroller first furnishes one or

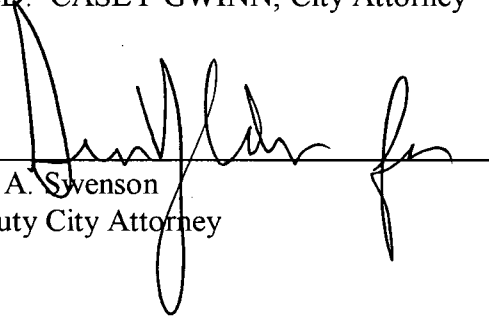
more certificates certifying that the funds for the agreement are, or will be, on deposit with the City.

9. That the City Manager, or designee, is authorized to conduct all negotiations, and to process, execute, and submit all documents, including but not limited to applications, agreements, amendments, and payment invoices, which may be necessary for completion of the Project.

10. That the City Auditor and Comptroller is authorized, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

APPROVED: CASEY GWINN, City Attorney

By


Eric A. Swenson
Deputy City Attorney

EAS:lc

08/13/03

Aud.Cert: 2400079

Or:Dept: E&CP

Bid No: K03829

R-2004-171

Form=P&SPhaseFundAward.frm

Rev. 03/03

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

AC 2400079
DEPT. _____
NO. 30244

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \$2,269,100.00 Fund: 30244

Purpose: Authorizing the transfer of funds from Hage Neighborhood Park and Winterwood Lane Community Park to Mira Sorrento Place Scranton Road/Vista Sorrento Parkway.

Date: July 18, 2003

By: *Yesli Bezuah*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	30244	30244	105	4279	292920		79006		\$1,089,620.00
002	0	30244	30244	105	4279	297270		79006		\$1,179,480.00
TOTAL AMOUNT										\$2,269,100.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____

Vendor: _____

Purpose: _____

Date: _____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001										
TOTAL AMOUNT										

FUND OVERRIDE

AC-361 (REV 2-92)

AC 2400079

R-298344

SEP 02 2003